

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMES HAMILTON, et al.,

Plaintiffs,

v.

DONALD WILLIAMSON, et al.,

Defendants.

CIVIL ACTION NO. 07-13401

DISTRICT JUDGE PAUL D. BORMAN

MAGISTRATE JUDGE DONALD A. SCHEER

**ORDER DENYING PLAINTIFFS' MOTION
FOR LEAVE TO ADD THE NAME OF
AN EXPERT WITNESS**

Plaintiffs' Motion for Leave to Add the Name of an Expert Witness on Statistics to Support the Disparate Impact Claim in the Proposed Second Amended Complaint was referred to the undersigned magistrate judge for hearing and determination. The parties appeared, by counsel, for hearing on January 9, 2009. Having reviewed the Motion, and having heard the arguments of counsel, I find that the motion should be denied.

The instant Motion was filed for the purpose of obtaining evidence to support claims first advanced by Plaintiffs in a proposed second amended complaint. The Motion for Leave to File that pleading was referred to the undersigned magistrate judge, and denied. The court's Scheduling Order of June 5, 2008 established a deadline of August 15, 2008 for the identification of witnesses, both lay and expert. The instant Motion was filed long after the expiration of that deadline. Because Plaintiffs' Motion for Leave to File a Second Amended Complaint has been denied, and because I have previously found that Plaintiffs were aware of a potential need for an expert witness on statistics since at least April 2008, and because the Defendants would be prejudiced by the need to conduct additional

discovery and to retain rebuttal experts, and because of Plaintiffs delay in raising these matters, I find that the Motion should be, and the same is hereby denied.

s/Donald A. Scheer
DONALD A. SCHEER
UNITED STATES MAGISTRATE JUDGE

DATED: April 6, 2009

CERTIFICATE OF SERVICE

I hereby certify on April 6, 2009 that I electronically filed the foregoing paper with the Clerk of the Court sending notification of such filing to all counsel registered electronically. I hereby certify that a copy of this paper was mailed to the following non-registered ECF participants on April 6, 2009: **None.**

s/Michael E. Lang
Deputy Clerk to
Magistrate Judge Donald A. Scheer
(313) 234-5217